

**REMARKS****Rejections under 35 U.S.C. §§ 102(e) and 103(a)**

Claims 1-7, 11-15 and 18-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kato et al. (U.S. Patent Application Publication No. 2002/0114249) (hereinafter "Kato").

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of Kato et al. (U.S. Patent No. 6,058,093) (hereinafter "Kato 093"). Claims 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of Watabe et al. (U.S. Patent No. 6,987,714) (hereinafter "Watabe"). The rejections in the Office Action are respectfully traversed for at least the following reasons.

Applicants respectfully submit that Kato involves setting (optimizing) a threshold value (slice level) from a push-pull signal to generate a digital signal. However, the instant application discloses an invention that includes a method for recording by minimizing an offset value (an optical beam should be focused on the center of a track, for example). As a result, Applicants respectfully submit that the invention of the instant application is completely different from the disclosure of Kato.

With regard to independent claims 1 and 18-21, Applicants respectfully submit that a technical feature described in the advantageous combination of features of independent claim 1 of the instant application is a "calculation device which calculates an offset value in the tracking servo control based on the first regenerative signal and the second regenerative signal that are generated." Applicants respectfully submit that the offset value moves a light beam focusing position.

However, Applicants respectfully submit that Kato discloses “a focus error signal, a tracking error signal, and a slider driving signal based on these light receiving signals Ra to Rd.” See Fig. 6, paragraphs 40-41 of Kato. Further, Applicants respectfully submit that Kato discloses “(Ra+d) signal (Rb+c) signal (paragraph 42), (Ra+d) + (Rb+c) signal (paragraph 43: RF signal), (Ra+d) – (Rb+c) signal (paragraph 44: frequency caused by wobbling of the groove track 103).” Therefore, Applicants respectfully submit that the above-discussed feature of the present invention regarding a method for recording by minimizing an offset value (an optical beam should be focused on the center of a track, for example) is not disclosed to any extent by Kato.

Even further, Applicants respectfully submit that independent claim 1 of the instant application goes on to describe an advantageous combination of features that includes the “first generation device (at least a part of the pre-pit is formed within a radiation range of the light beam)” and the “second generation device (the pre-pit is formed outside the radiation range of the light beam)” are not disclosed in Kato. Applicants respectfully submit that Kato does not distinguish the “first generation device” and the “second generation device” in the specific manner described in independent claim 1 of the instant application. Also, Applicants respectfully submit that Kato discloses setting (optimizing) a threshold value (slice level) from a push-pull signal to generate a digital signal.

Applicants respectfully submit in this regard that independent claim 6 of the instant application goes on to describe an advantageous combination of features that includes the “first generation device (at least a part of the pre-pit adjacent to the information pit in one direction is formed within a radiation range of the light beam)” and the “second generation device (at least a

part of the pre-pit adjacent to the information pit in another direction is formed within the radiation range of the light beam)) are not disclosed in Kato.

Applicants respectfully submit in these regards that Kato does not distinguish the “first generation device” and the “second generation device” in the specific manner described in independent claim 1 or independent claim 6 of the instant application. Also, Applicants respectfully submit that Kato discloses setting (optimizing) a threshold value (slice level) from a push-pull signal to generate a digital signal.

Applicants respectfully submit that such specific features are neither shown nor suggested by the applied art of record. Similar features as discussed above with regard to independent claim 1 of the instant application are also described in the remaining independent claims 18-21 of the instant application. Accordingly, similar arguments as set forth above with regard to independent claim 1 also apply to independent claims 18-21 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Kato does not teach or suggest each feature of independent claims 1, 6 and 18-21 of the instant application. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).”

With regard to the rejections of the dependent claims 2-5, 7 and 11-15, Applicants respectfully submit that these dependent claims are allowable at least because of their dependence from their respective base claims 1 or 6, as discussed above.

In addition, Applicants respectfully submit that dependent claim 2 describes a feature in that “the calculation device calculates the offset value so that a difference between the amplitude value of the first regenerative signal and the amplitude of the second regenerative signal is minimized.” However, Applicants respectfully submit that Kato does not disclose these technical features of the present invention to any extent. Instead, Applicants respectfully submit that Kato discloses “when the first bit position of an LPP and the mark position of the sync signal for the maximum length 14T coincide, the amplitude of the push-pull signal becomes the smallest.” See Fig. 20C and paragraph 96 of Kato. Therefore, Applicants respectfully submit that the features of dependent claim 2 are not disclosed by Kato to any extent and claim 2 should thus also be allowed, not only because of its dependence from independent claim 1, as discussed above, but also because of the additional features that it recites.

In addition, Applicants respectfully submit that dependent claim 3 describes a feature in that “the calculation device calculates the offset value so that a difference between the lower peak value of the first regenerative signal and the lower peak value of the second regenerative signal is minimized.” However, Applicants respectfully submit that Kato does not disclose these technical features of the present invention to any extent. Instead, Applicants respectfully submit that Kato discloses that it calculates the slice level using such storage data (the negative peak value of the push-pull signal in the period). See Fig. 7 and paragraph 52 of Kato. Therefore, Applicants respectfully submit that the features of dependent claim 3 are not disclosed by Kato to any extent and claim 3 should thus also be allowed, not only because of its dependence from independent claim 1, as discussed above, but also because of the additional features that it recites.

In addition, Applicants respectfully submit that dependent claim 4 describes a feature in that “the calculation device calculates the offset value so that a difference between the upper peak value of the first regenerative signal and the upper peak value of the second regenerative signal is minimized.” However, Applicants respectfully submit that Kato does not disclose these technical features of the present invention to any extent. Instead, Applicants respectfully submit that Kato discloses “when the first bit position of an LPP and the mark position of the sync signal for the maximum length 14T coincide, the amplitude of the push-pull signal becomes the smallest.” See Fig. 20C and paragraph 96 of Kato. Therefore, Applicants respectfully submit that the features of dependent claim 4 are not disclosed by Kato to any extent and claim 4 should thus also be allowed, not only because of its dependence from independent claim 1, as discussed above, but also because of the additional features that it recites.

In addition, Applicants respectfully submit that dependent claim 5 describes a feature in that “the calculation device calculates the offset value so that the sum of an error count of information obtained from the first regenerative signal and an error count of information obtained from the second regenerative signal is minimized.” However, Applicants respectfully submit that Kato does not disclose these technical features of the present invention to any extent. Instead, Applicants respectfully submit that Kato discloses “a focus error signal, a tracking error signal, and a slider driving signal based on these light receiving signals Ra to Rd.” See Fig. 6 and paragraph 41 of Kato. Therefore, Applicants respectfully submit that at least the “error count of information” features of dependent claim 5 are not disclosed by Kato to any extent and claim 5 should thus also be allowed, not only because of its dependence from independent claim 1, as discussed above, but also because of the additional features that it recites.

In addition, Applicants respectfully submit that dependent claims 8-10 are allowable at least because of their dependence from independent claim 6, and the reasons discussed previously. As to the additionally-applied reference to Kato 093 with regard to the rejection of dependent claims 8-10, Applicants respectfully submit that Kato 093 does not cure the deficiencies discussed above with regard to Kato. Applicants respectfully submit that Kato 093 involves correctly detecting a pre-pit by a wider margin. However, as discussed previously, the instant application discloses an invention that includes a method for recording by minimizing an offset value (an optical beam should be focused on the center of a track, for example). As a result, Applicants respectfully submit that the invention of the instant application is completely different from the disclosure of Kato 093.

In addition, Applicants respectfully submit that dependent claims 16 and 17 are allowable at least because of their dependence from independent claim 1, and the reasons discussed previously. As to the additionally-applied reference to Watabe with regard to the rejection of dependent claims 16 and 17, Applicants respectfully submit that Watabe does not cure the deficiencies discussed above with regard to Kato.

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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